

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 187

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-10.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

ARTICLE 10.7. PROTECTION OF MONUMENTS, MEMORIALS, AND STATUES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Department" refers to the state police department established by IC 10-11-2-4.

Sec. 3. "Discretionary funding" refers to money disbursed by a state agency, after the state agency makes certain considerations, to a political subdivision for a respective grant program that is not based on a preset standard or formula.

Sec. 4. "Person" refers to an individual, a sole proprietorship, an association, a business association, a fiduciary, a partnership, a corporation, a limited liability company, a joint stock company, a joint venture, or other legal entity.

Sec. 5. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 6. "State agency" has the meaning set forth in IC 4-13-1-1.

Chapter 2. Enforcement

SEA 187 — Concur



Sec. 1. (a) The department shall prioritize within the department the investigation and prosecution of the following:

(1) Any person that destroys, damages, vandalizes, or desecrates:

(A) a private or government monument, memorial, statue, or other commemorative property; or

(B) the state capitol or Indiana government center campus.

(2) Any person that participates in efforts to incite violence, rioting, or other illegal activity in connection with acts described in subdivision (1).

(3) Any person that damages, defaces, or destroys religious property.

(b) The department shall take all appropriate enforcement actions against persons found to have violated Indiana law through the investigations described in subsection (a).

(c) Discretionary funding for:

(1) political subdivisions; or

(2) public spaces of political subdivisions;

may be withheld from political subdivisions that fail to protect public monuments, memorials, and statues from destruction or vandalism.

Sec. 2. Notwithstanding any other Indiana statute but subject to applicable federal law, the department shall, as appropriate, work with political subdivisions to ensure that the state government appropriately provides information and assistance to those political subdivisions in connection with their investigations or prosecution of activities described in section 1 of this chapter, regardless of whether the property is located on property owned by the state.

Sec. 3. Notwithstanding any other Indiana statute but subject to applicable federal law, upon request, the department shall provide, as appropriate, personnel to assist with the protection of monuments, memorials, statues, or property owned by the state or a political subdivision.

Sec. 4. In determining whether a political subdivision failed to take all appropriate enforcement actions against a person found to have violated Indiana law through the investigations described in this chapter, the department, as part of the department's investigation, shall consider whether the political subdivision had:

(1) good reason to believe that an act described in section 1 of this chapter was imminent and likely to occur;

(2) sufficient notice to prevent the act described in subdivision



- (1) from occurring;
- (3) a reasonable ability to prevent the act described in subdivision (1) from occurring by using the political subdivision's local law enforcement agency; and
- (4) as applicable, reasonably prioritized each threat described in subdivision (1) as it occurred.

Chapter 3. Discretionary Funding

Sec. 1. Discretionary funding for a political subdivision shall not be withheld from a political subdivision that reasonably decided not to take appropriate enforcement actions due to:

- (1) a lack of manpower; or
- (2) the decision to maintain the safety of a public safety officer (as defined in IC 35-31.5-2-260).

Sec. 2. A state agency may, to the extent that it is appropriate and consistent with applicable Indiana and federal law, provide discretionary funding to a political subdivision for a respective grant program after considering whether the political subdivision has sufficiently taken all appropriate enforcement actions related to the offenses described in IC 10-10.7-2.

SECTION 2. IC 35-31.5-2-341, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 341. "Unlawful assembly" for purposes of ~~IC 35-45-1~~, has the meaning set forth in IC 35-45-1-1.

SECTION 3. IC 35-45-1-2, AS AMENDED BY P.L.158-2013, SECTION 521, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A person who, being a member of an unlawful assembly, recklessly, knowingly, or intentionally engages in tumultuous conduct commits rioting, a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if it:
 - (A) is committed while armed with a deadly weapon;
 - (B) results in serious bodily injury; or
 - (C) causes property damage of at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and
- (2) a Level 5 felony if it:
 - (A) results in catastrophic injury or death; or
 - (B) causes property damage of at least fifty thousand dollars (\$50,000).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 187 — Concur

